

## REMARKS

This Request for Reconsideration is filed in response to the Final Action of March 11, 2009 in which claim 14 was withdrawn and claims 1-13 and 15-36 rejected.

### 35 USC § 103 rejections

The Examiner continues to use *Harumoto et al* in view of *Tomita* to reject the claims 1, 4-6 and 9-18. He argues *inter alia* that *Harumoto et al* teaches *the transmission units ordered in a transmission order which is at least partly different from a decoding order of the media data in the data transmission units*. To support his view he still refers to the paragraphs [0117] and [0132]. I cannot find anything from these paragraphs which could indicate to any person of skill in the art that the order of the transmission units could be different from the decoding order. These paragraphs read as follows:

[0117] *With reference to the accompanying drawings, an embodiment of the present invention is described. FIG. 1 is a block diagram showing an example of the structure of a server-client system wherein a streaming method according to the present embodiment is carried out. In FIG. 1, the present system includes a server 101, and a terminal 101 (sic) operating as a client for the server 101. On the server 101 side, data such as video and audio is stored. This data has been encoded and compressed by MPEG. The server 101 responds to a request from the terminal 102, and generates a stream by assembling the stored data into packets. Then, the server 101 transmits thus generated stream to the terminal 102 over a network 103. The terminal 102 receives and decodes the stream, and outputs resulting video and audio for display.*

[0132] *In the above (1), the parameter "S\_target" is a target value for the data amount to be stored in the buffer by the terminal 102, and determined based on the entire capacity ("S\_max") of the buffer included in the terminal 102 (in the example of FIG. 3, the reception buffer 505 and the decoder buffer 508) and the transmission capacity of the network 103. Therefore, the parameter "S\_target" generally varies in value depending on the type of the terminal 102.*

Further, the Examiner argues that *Tomita* teaches *wherein a parameter is defined indicative of the maximum number of data transmission units that precede any data transmission unit in a packet stream in the transmission order and follow the data transmission unit in the decoding order*. He refers to paragraph [0058] of *Tomita* as a support for his view. This paragraph reads:

*[0058] Referring to FIG. 12, if the PCR reading section of the data transmission device 1 determines that a TS packet is received without any PCR added thereto, the data transmission device 1 sequentially adds TS packets to the data section of the RTP packet being prepared by the RTP packet preparing section 14. When the number of TS packets contained in the data section of the RTP packet input by way of the PCR reading section 12 gets to the predetermined maximum TS packet number, the RTP packet preparing section 14 supplies the RTP packet to the data transmitter 15. Then, the data transmission device 1 completes the preparation of the IP packet containing the maximum number of TS packets in the data section of the RTP packet and then externally transmits it.*

This paragraph discloses that when the number of TS (transport stream) packets reaches the maximum TS packet number, the RTP packet is supplied to the data transmitter. In other words, an RTP packet cannot contain more than a certain number of TS packets which means that when this limit is reached the RTP packet should be transmitted. This has nothing to do with the claimed feature *a parameter is defined indicative of the maximum number of data transmission units that precede any data transmission unit in a packet stream in the transmission order and follow the data transmission unit in the decoding order*.

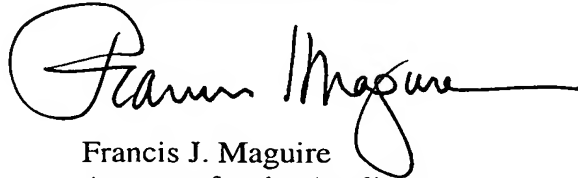
The Examiner argues that a skilled person would modify the invention of *Harumoto* in view of *Tomita* to achieve the advantage of providing an accurate synchronization between the RTP packet and the program reference clock. This is different from the claimed invention. The claimed parameter indicates how many transmission units can be transmitted before any other transmission unit whose decoding order is later than the transmission units earlier in the transmission order. This is indeed not easy to explain in written form so Applicant would again like to give an example to help explain the meaning of the claimed

language. Let us assume that we have transmission units A, B, C, D, E, F and G which shall be transmitted in this order. Let us also assume that the decoding order of these transmission units is C, A, B, D, F, E, G. We can see that the transmission unit A is transmitted (and received) first, but its decoding order is later than the decoding order of the transmission unit C. Therefore, the decoder also has to receive the transmission units B and C before the transmission unit A can be decoded. Hence, there are two transmission units (A and B) in transmission order before the transmission unit C which follow the transmission unit C in decoding order. Respectively, the transmission unit F is preceded by one transmission unit (E) in transmission order and succeeded in decoding order. In this example the parameter would contain the value 2.

Reconsideration and withdrawal of the obviousness rejections is requested.

The rejections of the Office Action of March 11, 2009, having been obviated by amendment or shown to be inapplicable withdrawal thereof is requested and passage of all pending claims to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire", with a long horizontal stroke extending to the right.

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